

## REMARKS

Applicants wish to thank the Examiner for taking the time to conduct a teleconference on August 25, 2004 to discuss the current application. Independent claims 1, 17, 18, 20, 21, 24, 25, and 26 have been amended to clarify that the claimed invention provides a means for

5 “selectively” enabling power to be connected to a receptacle. No new matter has been added.

### 35 USC 102 Rejections

Claims 1-7 and 10-38 have been rejected under 35 USC 102(b) as being anticipated by Wulle [US Patent Number 1,818,290]. According to the Examiner, Wulle discloses the claimed invention:

10 “Wulle discloses a device comprising ...

-a switch [B], on the device for turning power to a receptacle on or off [Figure 1];

- a member [A9] coupled to the device and having a first position [Figure 3, switch is OFF] which allows a plug C5 to be inserted into receptacle [C] and a second position [Figure 4, switch is ON] which prevents the plug from being inserted into receptacle; and

15 - connecting means [D2; D6; D8; D9] coupled to the member and to the switch to enable the switch to connect the receptacle to a source of power when the member is in the second position ... ”

Applicants respectfully disagree with the Examiner’s reading of Wulle. Applicants assert that although Wulle discloses a switch B and a connecting means, Wulle fails to disclose a mechanism that “selectively” enables the switch to connect the receptacle to a source of power as  
20 recited in claim 1 of the present invention.

Rather, FIGS. 3 and 4 of Wulle show a switch handle A9 fixedly connected to a switch B in such a manner that a rotation of the handle A9 causes a proportional rotation of switch B and a movement of connecting means [e.g., D9]. In operation, rotating the handle A9 to the ON state causes the switch B to be **automatically** moved to an ON state without enabling a user the  
25 ability to **selectively** turn ON or OFF power to the receptacle. In other words, in Wulle, the arrangement of the handle A9, switch B and connecting means is fixed such that power is either ON or OFF; the arrangement of Wulle provides no flexible mechanism for selectively enabling power to be delivered to the switch once the device is in the ON position.

In contrast, referring to the current application, in one embodiment, FIG. 3 shows a device 10 having a member, such as lever handle 26, having a first position (lower) which allows a plug 36 to be inserted into a receptacle 23 and a second position (upper) which locks the plug 36 to the receptacle 23. As described in the current application (page 7, lines 1-5):

5            “[T]he on-off control switch 24 is provided to allow a user to **selectively** electrically connect receptacle 23 to a cable 44 which is connected to a power supply (not shown) when the lever 26 is in its upper position.” (Emphasis added)

The current application (page 10, lines 3-9) also explains that:

10            “Referring now to Fig. 3, the cam 56 interacts with linkage 54 such that when linkage 54 is in its position shown in Fig. 3, and the lever 26 is in the upper position, the switch 24 is **free to be rotated** between the on and off states. If the device 10 is energized, meaning switch 24 is in the on position, while the lever 26 is moved from the upper position shown in Fig. 3 to the lower position shown in Fig. 2, linkage 54 rotates in the direction of arrow 66, and moves the cam 56 thereby forcing the switch 24 to the off state.”  
15            (Emphasis added)

In other words, the switch is free to rotate in the upper position so to allow the switch to “selectively” connect the receptacle to a source of power when the member is in the second position as recited in claim 1 of the present application. The present invention provides a user with the option to control the switch so to turn ON or OFF power to the receptacle 23 when the  
20            handle A9 is in the second position (upper). In contrast, Wulle provides a fixed arrangement that is either ON or OFF; Wulle simply provides no flexible mechanism to selectively enable the switch to connect the receptacle to power as in the claimed invention. Thus, Applicants respectfully assert that Wulle does not anticipate claim 1 of the present invention for at least these reasons.

25            Independent claims 17, 18, 20, 21, 24, 25 and 26 have been amended to recite a similar feature as amended claim 1 above. Applicants respectfully assert that claim 1 is not anticipated by Wulle for the reasons provided above. Thus, claims 17, 18, 20, 21, 24, 25, 26 and respective dependent claims should be allowable for at least the same reasons as claim 1.

In view of the above amendments and comments, Applicants respectfully request  
30            withdrawal of the rejection and allowance of the application.

### **35 USC 103 Rejections**

Claims 8, 9, 29 and 30 have been rejected under 35 USC 103(a) as being unpatentable over Wulle in view of Klimek [US Patent Number 3,887,256].

5 Applicants believe that independent claim 1 is not anticipated by Wulle for the reasons given above. Applicants respectfully assert that the subject matter of dependent claims 8 and 9 is not taught or suggested by Wulle, alone or in combination with Klimek, at least by virtue of their dependence on independent claim 1.

10 Likewise, it is believed that Wulle does not teach or suggest independent claim 26 for at least the same reasons given above with respect to claim 1. Applicants respectfully assert that the subject matter of claims 29 and 30 is not taught or suggested by Wulle, alone or in combination with Klimek, at least by virtue of their dependence on independent claim 26.

### **Conclusion**

15 In view of the above amendments and comments, Applicants respectfully request withdrawal of the rejection and objections and allowance of the application.

### **Request for Reconsideration pursuant to 37 CFR 1.114**

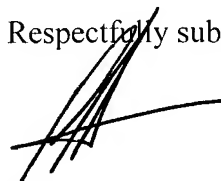
20 Having responded to each and every ground for rejection in the final Office Action mailed on August 18, 2004, Applicants respectfully request reconsideration in the instant application pursuant to 37 CFR 1.114 and request that the Examiner allow claims 1-38. If there is any point requiring further attention, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

25 In addition, a one-month extension of time is being submitted. Please charge the fee for the one-month extension of time and fee for the RCE to Leviton Manufacturing Co., Inc. Deposit Account No. 12-1185. The commissioner is hereby authorized to charge any other fees which

may be required for this response, or credit any overpayment to the above Deposit Account No. 12-1185.

In the event that an extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for the extension of time to the above Deposit Account No. 12-1185.

Respectfully submitted,



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